

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-4446

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

ROMER DENISE GADBERRY,

Defendant - Appellant.

Appeal from the United States District Court for the Middle
District of North Carolina, at Durham. James A. Beaty, Jr.,
District Judge. (CR-01-66)

Submitted: December 8, 2004

Decided: January 11, 2005

Before NIEMEYER, WILLIAMS, and MICHAEL, Circuit Judges.

Affirmed in part, vacated in part, and remanded by unpublished per
curiam opinion.

Louis C. Allen, III, Federal Public Defender, John A. Dusenbury,
Jr., Assistant Federal Public Defender, Greensboro, North Carolina,
for Appellant. Anna Mills Wagoner, United States Attorney, Angela
H. Miller, Assistant United States Attorney, Greensboro, North
Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Romer Denise Gadberry appeals the district court's order of May 19, 2004, revoking her supervised release and reimposing a term of fourteen months imprisonment and twenty-four months supervised release under the terms and conditions previously set by the court. We have reviewed the record and conclude that the district court's order constituted reversible error as to the term of Gadberry's supervised release. See United States v. Olano, 507 U.S. 725 (1993). Accordingly, we: (1) affirm the district court's order with respect to the fourteen-month term of imprisonment; (2) vacate the district court's order with respect to the twenty-four-month term of supervised release; and, (3) remand this case to the district court for imposition of a term of supervised release that shall not exceed twenty-two months. See 18 U.S.C.A. § 3583(h) (West Supp. 2004); United States v. Maxwell, 285 F.3d 336, 341-43 (4th Cir. 2002). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED IN PART,
VACATED IN PART, AND REMANDED